[Miss Jayalalitha]

Singh, because he has raised something which we should have raised. He has done it on our behalf. I support his objection.

SHRIMATI KANAK MUKHERJEE: I also support it and the Hon'ble Minister should also support it.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. VENKATASUBBAIAH): One point is about the legislative competence of this House. This is a Union Territory Bill and the House is competent to legislate so far as Union Territory matters are concerned.

About the nomenclature, the Metropolitan Council has passed this Bill with this nomenclature.

SHRI JASWANT SINGH: We can improve upon it.

SHRI P. VENKATASUBBAIAH: "Eve-Teasing" is very currently used. If the Hon'ble Member can suggest any better name...

SHRI JASWANT SINGH: I have suggested. Right now I am suggesting that instead of calling it the Delhi Prohibition of Eve-Teasing Bill, why not call it the Delhi Prohibition of Harassment to Women Bill?

SHRI P. VENKATASUBBAIAH: That could be discussed when the matter comes up for consideration.

MR. DEPUTY CHAIRMAN: You can give thought to it.

SHRI P. VENKATASUBBAIAH: In the meantime he can also suggest any other suitable word. About harassment we have already passed a Bill. Further it is a wider term. This is only for a limited purpose. If the Hon'ble Member can suggest any better word, we will have no objection to consider it.

SHRI R. MOHANARANGAM (Tamil Nadu): Mr. Deputy Chairman, 'harassment' will cover women of even 70 years of age. "Eve-Teasing" will not be applicable to them.

SHRI G. VARADARAJ (Tamil Nadu): What about harassment of men?

THE DELHI PROHIBITION OF EVE-TEASING BILL 1984

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. VENKATASUBBAIAH): Sir, I beg to move:

"That leave be granted to introduce a Bill to prohibit eve-teasing in the Union Territory of Delhi and to provide for matters connected therewith."

The question was put and the motion was adopted.

SHRI P. VENKATASUBBAIAH: Sir, I introduce the Bill.

THE COPYRIGHT (AMENDMENT) BILL, 1984

THE MINISTER OF STATE IN THE MINISTRIES OF EDUCATION AND CULTURE AND SOCIAL WELFARE (SHRIMATI SHEILA KAUL): Sir, I move:

"That the Bill further to amend the Copyright Act, 1957, be taken into consideraton."

Copyright protection in India is governed by our Copyright Act, 1957. India is a member of the two International Conventions on Copyright, namely, the Berne Convention for the Protection of Literary and Artistic Works, 1971, and the Universal Copyright Convention, 1952.

Our Copyright Act was amended last year with the specific purposes of—

(a) incorporating a provision of the Paris Act of 1971, concerning grant of compulsory licences for translation and reproduction of foreign works required for educational purposes;

(b) providing adequate protection of authors rights; and

(c) removing the administrative drawbacks and other lacunae experienced in the administration of the Copyright Act, 1957.

During the passage of the Bill, Hon'ble Members had repeatedly drawn my attention to the problem of

widespread piracy in the country and expressed concern that the Bill under consideration contained no provision for combating piracy. As the subject-matter was at that time being studied in its various aspects, in consultation with the concerned Government Departments, I had assured the Members that examination of the question would be expedited and that a comprehensive legislation would be enacted which will address itself to the various forms of piracy.

Piracy has become a global problem due to the rapid advance in technology. It has assumed alarming proportions all over the world and all the countries are trying to meet the challenge by taking stringent legislative and enforcement measures. Mainly there are three types of piracies, namely, piracy of the printed word, piracy of sound recordings and piracy of cinematographic films. The object of piracy in all such cases is to make quick money and avoid payment of legitimate taxes and royalties.

Insofar as books are concerned, it is estimated that about four hundred to five hundred titles are pirated every year in India. Apart from books, recorded music and video cassettes of films and television programmes are reproduced, distributed and sold on a massive scale in many parts of the world without any remuneration to the authors, artists, publishers and the producers concerned. The emergence of new techniques of recording and reproduction, combined with the advent of video technology, has greatly aggravated the problem of piracy to the extent that it has become a problem of survival for the legitimate copyright owners. It is estimated that the loss to the producers of cinematograph films and other owners of copyrights amounts to several crores of rupees. The loss to the Government in terms of tax evasion also amounts to crores of rupees. In addition, because of the recent video boom in the country, a large number of video parlours have sprung up all over the country and they exhibit unauthorised copies of films recorded on video tapes by charging admission fees from their clients. These places have no licences for public viewing and they deal in pirated cassettes. To curb the practice of exhibiting Indian and foreign films by video parlours and other malpractices, the Cinematograph Act of 1952 has been recently amended providing for enhanced punishment for such offences. In view of these circumstances, it is proposed to amend the Copyright Act of 1957 suitably to combat effectively the problem of piracy that is prevalent in the country.

The proposal contained in the Bill under consideration has been formulated in consultation with the concerned Government Departments. The Bill provides, among other things, for the following amendments to the Act, namely:—

(1) to increase the punishment provided for the infringement of copyright, namely, imprisonment of three years with a minimum punishment of imprisonment of six months and a fine of Rs. 2 lakhs with a minimum of Rs. 50,000/;

(2) to provide for enhanced punishment in cases of second and subsequent conviction;

(3) to provide for the declaration of the offence of infringement of copyright as an economic offence so that the period of limitation provided for under the Criminal Procedure Code of 1973 for offences will not be applicable to these offences;

(4) to specifically make the provisions of the Act applicable to video films and computer programmes; and

(5) to require the producers of records, cassette recorders and video film exhibits to display certain information in the video films and containers thereof.

Sir, I am sure that, since these proposals have been formulated to meet the pressing requirements of the present situation with regard to piracy,

[Shrimati Sheila Kaul]

the Bill will be welcomed by all sections of the House.

Sir, I commend the Bill for the consideration of the House.

The question was proposed.

SHRI SUKOMAL SEN (West Bengal): Sir, this Bill is a long-awaited one. I regret to say that this Bill has come before Parliament after a great deal of damage has been done in the country by way of piracy of books, piracy of sound recordings and piracy of cinematographic films. Last year also when the amendment regarding copyright came to Parliament, at that time also many speakers raised the issue that that amendment itself should have contained a provision in regard to piracy of books, sound recordings and cinematograph films. But at that time our suggestions were not heeded to. Anyway, this Bill has come before Parliament. It is better late than never. I welcome the Bill. But, Sir, while welcoming the Bill I would like to say that in the Statement of Objects and Reasons there are some wrong statements. It has been said that piracy has become a global problem. Then it is again said: it has assumed alarming proportions all over the world. Sir, it is not a factual statement. First of all, piracy is not a global problem. It is a problem of the two-thirds of the globe, that is, the capitalist world. Also that it has assumed alarming proportions all over the world is not correct. It has assumed alarming proportions in two-thirds of the world. In Soviet Russia and China, nobody can cite an instance where piracy of books, sound records and cinematograph films has taken place—or take any socialist country. So it is a disease and malady of the capitalist world. And India being a part of the decodent and stinking capitalist society, is also faced with this malady of piracy.

Now, Sir, first of all, this piracy of books that is taking place in our country and other capitalist world. Sir, as regards the capitalist world as a whole, I would like to say that the Economist of London made a survey and said that some months ago the authors of popular books all over the world were deprived of at least one billion dollars in royalty every year. So, in the two-thirds of the world the authors are losing one billion dollars by way of royalty because of the piracy. And in this country, Sir, every year about 1500 books are printed without permission and sold at 60 per cent of the price of the original edition. I do not know where the Minister is going... (*Interruptions*)

SHRI NIRMAL CHATTERJEE (West Bengal): She has got a copyright of the Minister... (*Interruptions*)

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI KALP NATH RAI): I am noting down the points. (*Interruptions*).

SHRI SUKOMAL SEN: Sir, this piracy of books has taken such alarming dimensions in our country that celebrated authors like Harold Robins and Irving Wallace—even their books are being re-printed here, without permission, and sold at Rs. 10 per copy. The actual value is more than Rs. 10 when we import books from the actual publishers. Not only that, Sir, a recent survey in Delhi has revealed—and it is very interesting—that a book entitled 'Conspiracy' which was attributed to Irving Wallace, the popular author and another books entitled 'Spell Binders' which was attributed to Harold Robin were sold in Delhi markets. But it was found that neither Harold Robins nor Irving Wallace are the authors of these two books. They are completely pirated books and the authors' names were criminally imported in those books. In this way the books were sold in the capital city of Delhi, without any hindrance. And these things are going on not only in Delhi but throughout the country. I do not know whether the Government has taken any steps to curb this piracy of books which is

prevailing in the country. As regards video piracy, it has assumed a very formidable dimension and I will come to that later on. Regarding film piracy, recently one Bombay film producer found that the film produced by him and not officially released was being shown in some cinema houses. The investigations revealed that the pirated version of his film was being freely distributed and exhibited in some cinema houses. It happened in Bombay city.

As regards video piracy, the Bill mentions the dimensions it has assumed, in the Statement of Objects and Reasons. When some celebrated singers perform publicly, their music and songs are stealthily recorded and then reproduced through modern technology into cassettes and then sold freely in the market without paying any royalty to the original singers and musicians. This way also, the musicians and the singers are losing money. A boom in the piracy of sound recording is going on in our country. This video piracy got a boom particularly when during ASIAD the Government took a decision to liberalise imports and reduce duties on colour T.Vs. and Vedeo Cassette Recorders. Today, the number of cassette recorders in this country runs into lakhs. Pornographic films in particular are doing good business in the country. What has been the effect of this pirated pornographic films on the cultural atmosphere of the country? We find that there is a decadence in culture in the western world and in capitalist countries which is spoiling the young boys and girls and the society. The pornographic films have a good market all over the western world. This pirated pornographic films are being reproduced and sold freely every where in our country. If you make a survey, you will find that our villages may not have drinking-water tubewells or a primary school, but they will have some video centre where these video films, these pornographic films, will be shown at exorbitant rates. It is also making a cultural invasion of our country spoiling our social fabric. Unless we become alert about it, I do not know what will happen to the new generation of our country.

Apart from books, films and videos, recently in London they discussed about this piracy in their Parliament and found that it existed not only in books or sound recording or cinematographs, but also in computer programmes. The British Parliament appointed a committee to go into this thing and report to the Parliament for adopting suitable legislation to stop piracy in computer programmes. So, Sir, this danger that we are facing is a part of the capitalist world. I feel that this Bill will try to check this piracy. But, Sir, I am afraid, that the law enforcing 1 p.m.

machinery, unless that remains incorruptible and clean, how soever stringent a Bill we may pass in Parliament, that cannot be a effective to curb this piracy.

Then, Sir, there is another malady. Whatever is happening in our country about this unlawful video exhibition, unlawful showing of cinematograph, as it happened in Bombay, everything is happening here with the connivance of the police and sometimes also with official partronage because money works everywhere. (Time bell rings)

Then there is also another danger. Recently the Supreme Court has given a verdict about importing some material as a transit measure. Some materials were imported from Singapore to Calcutta port and it was to go to Nepal. Meanwhile, these things were pirated. The materials were such that they were pirated and cassettes were produced in our country and sold. The Calcutta High Court gave a judgment. Then the matter came to the Supreme Court. The Supreme Court gave the verdict that even if some material is imported for transit purpose, and it can be used for piracy, even that type of import should be banned. That was

[Shri Sukomal Sen]

the verdict of the Supreme Court. I think that verdict can go to a certain extent in curbing piracy in our country. (*Time bell rings*)

So, Sir, while welcoming the Bill, I would request the hon. Minister to see that this Bill, when enacted, is properly enforced and particularly that it should be ensured that the law enforcing machinery remains clean and incorruptible because otherwise the Bill will have no meaning. With these few words, Sir, I conclude.

MR. DEPUTY CHAIRMAN: Mr. Ramakrishnan, you start now and then you will continue after lunch.

SHRI R. RAMAKRISHNAN (Tamil Nadu): Sir, I thank you very much for this opportunity, and I wholeheartedly welcome this Bill. It is one of the few Bills on which the Government gave an assurance only a few months back and in double quick time they have brought forward this legislation.

MR. DEPUTY CHAIRMAN: You may continue after lunch.

अब सदन की कार्यवाही 2.00 बजे तक के लिए स्थगित की जाती है।

The House then adjourned for lunch at three minutes past one of the clock.

The House reassembled after lunch at two minutes past two of the clock,

The Vice-Chairman (Shri Syed Rahmat Ali) in the Chair.

SHRI R. RAMAKRISHNAN: Mr. Vice-Chairman, Sir, I feel that at long last, the Government has realised that like corruption, even piracy has become a global phenomenon. What I would say is that it is not enough to recognize it as such. We have to tackle this problem in a proper manner, and to this end, this Bill has been brought, which is a most welcome measure.

Now, coming to the point, the Bill itself identifies and says that broadly there are three types of piracies, namely, piracy of written words, piracy of sound recording and piracy of cinematograph films. First I will come to the piracy of books, which is taking place on a massive scale in our country. Today, in the bazar, whether in Delhi, Bombay or Madras or Calcutta, in almost all the pavement shops and other bookshops, you can find a number of books which are pirated editions and which you can even see by the cheap quality of printing. While some of them are doing signal service in the cause of our poorer sections of society because they are available at cheap prices, this is rather unfair to the persons who have written these books and who are dependent on the royalty, and also unfair to the publishers who are dependent on the sale of these books. Sir, in this connection, I feel, the Government can easily seize these books, find out who has printed them and take positive action against pirators. Only this will instill confidence in the minds of the public. The Indian Book Publishers Association, two years, back, on the same Copyright Bill, submitted a memorandum to the hon. Minister containing all the various things which can be done and giving suggestions which, I am sure, the Government will look into.

Coming to the piracy of sound recording of tapes, I am very sorry to say that India occupies fourth place in the world, as far as sound recording piracy is concerned, coming after Turkey, Peru and Greece. This is a very ubiquitous distinction on our country and I feel, it is not the intention of the Government to allow it to go on. More particularly, what is sad to see is that the capital of the country, namely, New Delhi, and particularly the Lajpat Rai Market, has become the nerve centre of music piracy. In the Lajpat Rai Market, according to newspaper reports, every 8 out of 10 pre-recorded music cassettes in the country are being

manufactured. They are sold under various trade names like 'New T series', 'Play Boy', etc. And there are three types of these phonographic duplications. One is called a pirated product. That means an unauthorised recording or a duplicate cassette which looks different from the original. The second one is called the counterfeit product which is an unauthorised duplicate cassette packed to look like original. And the third one is called a 'bootleg' product which incorporates an unauthorised recording of a live broadcast or performance. The first two types are more predominant in our country and the enquiries reveal that the music pirates are having a number of duplicating machines which they are even subletting to small people. Lajpat Rai Market is carrying on almost 95 per cent of such activities in the country. Indian phonographic industry has made frantic appeals to the Government for some relief so that they may keep pace with these pirates till some action is taken against them. I do not know what action Government proposes to take, but I appeal to the Central Government that something radical must be done immediately if this is got to be checked.

Then I come to the more important thing, that is, the piracy of films. This has assumed alarming proportions. The video craze, though it is to be welcomed in as much as poorer sections of the society, even the lower middle-class people today are able to see films at a cheaper price, I do not think in the long run will do good for the film industry in the country which is doing yeoman's service over the period of time. Film is mass media and recognising the video craze and the video piracy the Tamil Nadu Government under the dynamic leadership of Puratchi Thalaivar Dr. MGR, brought forward an Ordinance which was later converted into a Bill, called Tamil Exhibition of films on television screen through Video Cassettee Recorder Regulation Bill. This Bill was brought forward to put an end to the shattering of cultural and moral values through an instrument of scientific and moral change. No doubt, the lobby of the pirates is very strong. They went in for a stay order to the High Court and later to the Supreme Court. In spite of it, they are now enforcing it by requesting that all the video parlours and libraries should get a licence from the State Government, from the District Collector or the Commissioner of Police and also each cassette which is recorded should have a consent of the person who originally started it. The Government of India should take a lead from this Tamil Nadu Ordinance and Bill and see that these regulations are enforced in all States. Sir, due to video piracy film makers are losing a lot of revenue. Here is a report from Britain which says that nearly half of the children between the age of 7 to 16 have seen a film nasty, blue film as you may call it. The report is based on the study made of over 3½ million children all over the world by Kilfford Hill. Sir, this report reveals so many things and it is time that the Government of India took strong action to see that this sort of blue films are not exhibited. In this connection, the Education Minister should also take the help of the Customs authorities because most of these films are being smuggled into the country along with the domestic package. The easiest thing to do today is to get a finished copy of the film and pirate it. All that is required is just a wire and a duplicating machine and then the video cassettes are exhibited all over the country. Therefore, the Government of India should direct all the State Governments to see that these video parlours and libraries are periodically raided and the cassettes in the possession of the video parlour owners are checked. In fact, the situation became so alarming that the Bombay film industry, Devanand and a few other actors, started an anti-piracy organisation, took the law into their own hands and started raiding video libraries with the help of the socio-

[Shri R. Ramakrishanan]

minded citizens. So, that is the situation. In this connection I would like to urge through you, Sir, the Government of India to immediately declare cinema as an "industry". This has been a long pending request of the Tamil Nadu Government and so many other State Governments but the Government of India is dragging its feet on this. Today cinema is mass entertainment and despite the advent of video, it has been able to stand so far. But I do not know really whether it can stand for any length of time. Therefore I feel that this is an opportune time for the Government to have a thorough rethinking on the issue and declare cinema as an "industry" immediately.

Coming to the specific provisions of the Bill, I welcome the stringent punishment which is envisaged for both the first conviction and for subsequent convictions. Also they have specifically made the provision for the Act to be applicable to video films and even computer programmes which Mr. Sukomal Sen was referring to. It also requires the producers of records and films to display certain information on the records and films on the container itself. These provisions are most welcome and I am sure that the time and inclination which many of our Indian video pirates take in duplicating, will be devoted to trying to do some other important things like Japan and Taiwan are doing in the case of transistors.

Before concluding, Sir, I would only say that the most important aspect to which the hon. Minister should apply herself is the enforcement of the regulations of this Bill and she should see that special squads are set up and also an Advisory Committee consisting of various persons interested in this be also appointed so that they may advise the Government of India from time to time and periodically review the steps taken to enforce those regulations.

With these few words, I welcome the Bill.

श्री रामचन्द्र भारद्वाज (बिहार) : मान्यवर, कापीराइट एक्ट का जो इतिहास है यह बड़ा लम्बा है। जब हम आजाद नहीं थे। तब यूनाइटेड किंगडम के कापीराइट एक्ट से हमारा काम चलता था। उसे कहते थे यूनाइटेड किंगडम कापीराइट एक्ट 1911, बाद में उसमें भारत वर्ष का नाम जोड़ दिया गया और यूनाइटेड किंगडम एक्ट का, इंडिया कापीराइट एक्ट, 1914 करके नाम हुआ फिर उसके बाद हम इस दिशा में आगे बढ़े।

1948 में पहली अंतराष्ट्रीय कांफ्रेंस हुई, उसे बर्न कन्वेंशन के नाम से पुकारते हैं और वह जो था वह राष्ट्रीय कन्वेंशन फार द प्रोटेक्टशन आफ लिट्रेरी एण्ड आर्टिस्टिक वर्क्स हुआ, उसके हम सदस्य हुए। 1952 में आकर जेनेवा में यूनिवर्सल कापीराइट कन्वेंशन हुआ और उसके भी हम सदस्य हुए। जब भारत आजाद हो गया और बदली हुई परिस्थितियों में जब यह देखा गया कि पुराने कापीराइट एक्ट, प्रतिलिप्यधिकार विधेयक, से हमारा काम नहीं चल रहा है तो पंडित जवाहरलाल नेहरू जी के नेतृत्व में महान शिक्षाविद मौलाना अब्दुल कलाम आजाद ने कापीराइट बिल का सर्वांगीण संशोधन किया। बदली हुई परिस्थितियों में नये वैज्ञानिक वातावरण में उसका संशोधन, परिवर्द्धन हुआ और उसे कम्प्लीट रिवीजन की संज्ञा दी गई।

मान्यवर, आजाद साहब ने भी जब इसकी कल्पना की तो उन्होंने जो वक्तव्य दिया, उस विधेयक के साथ उसमें साफ शब्दों में लिखा है कि हमने जीवन के विभिन्न क्षेत्रों में काम करने वाले और देशों के चारों ओर बसने वाले लोगों की आकांक्षाओं को जाना है, हमने उनकी

राय ली है और इस नतीजे पर पहुंच कर इस विधेयक को सामने ला रहे हैं। यह बड़ा साहसिक कदम था और ऐतिहासिक कदम था जो कि हमारे स्वतंत्र भारत के इतिहास में मौलाना साहब ने उठाया। मुझे इस बात की बड़ी प्रसन्नता है कि हमारी महान नेता श्रीमती इंदिरा गांधी के नेतृत्व में श्रीमती शीला कौल जी ने यह एक दूसरा कदम उठाया है जो उससे आगे का कदम है। सन् 1983 में भी सदन से हमने उस संशोधन विधेयक को पास किया।

हमने उस वक्त भी सुझाव दिये थे। उन्होंने उन सुझावों पर भी गौर किया है और इतनी तत्परता दिखाई कि 1955 के बाद और 1957 के बाद जिस विषय पर विचार किया गया 1983 में, उसको पुनः 1984 में आज इस अगस्त के ही या सितम्बर महीने में हमारे पास यह विधेयक सामने आया है, इस पर विचार करने के लिये।

कहने वाले कहते हैं कि सिनेमोटोग्राफ एक्ट जो हमने बनाया था, उसके पूरक के रूप में भी इस की आवश्यकता थी। बात सही है; क्योंकि आज विज्ञान के चमत्कार से जो कुछ हो रहा है कला के क्षेत्र में, संगीत के क्षेत्र में और उसकी पाइरेसी के क्षेत्र में, वह चिंता का विषय है, रहा है और अभी मेरा विश्वास है कि काफी दिनों तक रहेगा।

मान्यवर, एक बात की ओर ध्यान दिलाना चाहता हूं --इस विधेयक पर मैं आऊं, तो इस विधेयक में सख्त सजा की व्यवस्था की गई है, कठोर सजा देने का प्रावधान है। जूडिशरी में निर्णय में देर होती थी, पुलिस को अधिकार दिया गया है फिर जैसे अभी रामाकृष्णन जी ने कहा, बार-बार अपराध करने वालों के लिये अलग प्रकार के अपराधियों को कोर्ट में उन्हें रखकर नई सजाओं का इस में प्रावधान किया है और इस अपराध को नान-काग्नीजेबुल आफेंन्स को फिर काग्नीजेबुल बना करके संघीय बना कर एक बड़ा महत्वपूर्ण कदम सरकार ने उठाया है और इसके लिये हमारी राज्य शिक्षा मंत्री जी बधाई की अधिकारणी है।

मान्यवर, आफशोर पाइरेसी, ट्रांजिट पाइरेसी, यह सब तो बड़ी छोटी-छोटी चीजें रह गई हैं, कम्प्यूटर की बात और वीडियो की बात विज्ञान के नये युग में अब पीछे पड़ती जा रही है। अब तो फ्यूचर फोटोग्राफी की बात हो रही है और यह फ्यूचर फोटोग्राफी की स्टेज तक हम पहुंच चुके है यह दुनिया पहुंच चुकी है, अथवा दुनिया का कोई देश पहुंच चुका है, तो हमारी जवाबदेही इस दिशा में उत्तरोत्तर बढती जा रही है और मुझे ऐसा लगता है कि इसे इकनामिक आफेंस कहने में या इसे संघीय अपराध कहने में काग्नीजेबुल आफेंस कहने में, या इसे पुलिस के हवाले करके जल्दबाजी करने के लिये जुडिशरी से लेकर अलग काम करने में कोई बहुत बड़ा न्याय मिल जायेगा, इस की सम्भावना मुझे नहीं दीखती है।

मान्यवर, इस में सबसे बड़ी उपेक्षा जो आज हो रही है, वह साहित्यकारों की हो रही है, कलाकारों की हो रही है क्योंकि इस कापीराइट विधेयक की परिकल्पना ही राइटर्ज और आर्टिस्ट्स को लेकर के हुई थी और जो जेनुइन राइटसर्ज और आर्टिस्टस हैं, वह लगता है कि वह पीछे छूटते जा रहे हैं और यह जो विज्ञान का डिस्को युग है, वह हम पर हावी हो रहा है

[श्री रामचन्द्र भारद्वाज]

और वीडियो से लेकर कम्प्यूटर तक की बात करके हम रह जाते हैं ।

माननीय, जब मौलाना आजाद ने इस विधेयक को पेश किया था, तो उन्होंने कहा था कि—

"Apart from the fact that the UK Act does not fit in with the constitutional status of India, it is necessary to enact an independent, self-contained law on the subject of copyright. In the light of growing public consciousness of the rights and obligations of authors, new and advanced means of communication like broadcasting also call for certain amendments."

इसलिए हर जगह लेखकों को प्रधानता दी गई और पेरिस में भी यह कहा गया, ब्रूसेल्स कनवेंशन को भी राइटर्ज की कनवेंशन माना गया और पेरिस में भी जो कुछ घोषणा हुई, उसके अनुसार 1971 में उसके प्रथम अनुच्छेद में ही कहा गया—

"Each Contracting State undertakes to provide for the adequate and effective protection of the rights of authors and other copyright proprietors in literary, scientific and artistic works, including writings, musical, dramatic and cinematographic works, and paintings, engravings and sculpture."

मुझे ऐसा लगता है कि इस विधेयक में बार-बार संशोधन ला कर ऐसा किया जा रहा है कि जैसे जब-जब जो अभाव सामने दिखाई देता है हम टुकड़े-टुकड़े कर उन अभावों की पूर्ति कर रहे हैं और इस बात को हम भूल गए हैं कि जिन लेखकों और कवियों के कंधों पर चढ़ कर यह आजादी हमारे पास आई है, जिन लेखकों और कवियों ने हमारे राष्ट्र का उद्‌बोधन इस तरह किया कि हमारे बीच राष्ट्रीय भावना जागृत हुई, जिन की कविता और साहित्य के बल पर हमारे बड़े महान नेताओं ने जेल के दिन सुख से काटे और अपना मनोविनोद भी साहित्य के माध्यम से करके वे जेल जीवन बिताते थे, शायद हम इस बात को भूल गए हैं । उदाहरणार्थ मैं कहना चाहता हूं कि हजारीबाग में जब डाक्टर राजेन्द्र प्रसाद जेल में थे तो फुलवाड़ी कैम्प पटना के पास में था, जिसमें कोई सुविधा नहीं थी । यहां के कैदियों ने एक पत्र भेजा जिसमें उन्होंने शिकायत की थी कि आप जो हजारी बाग जेल में हैं, सैन्ट्रल जेल में हैं, और हम लोग यहां कैंप जेल में तड़प रहे हैं । कविता में उत्तर आया । राजेंद्र बाबू ने कहा कविता में पत्र आया तो कविता में उत्तर दिया जाना चाहिये । कविता में यह उत्तर आया कि, :

"दोनों कुंज तपश हैं यारों,
दोनों दुख की क्यारी,
चाहे उसे कहो फुलवारी,
चाहे बाग हजारी ।।

तो इस प्रकार अपना मनोविनोद भी ये बड़े बड़े लोग साहित्य के माध्यम से करते रहे । साहित्य से प्रेरणा लेते रहे । एक छोटा सा उदाहरण है मान्यवर, हजारीबाग जेल में संत राम का एक वार्डन आया जो चंदन करता था, मगर बड़ा ही बदमाश था । उनको देखकर इन सभी लोगों ने मिलकर कहा कि इस पर कविता होनी चाहिये । क्रोध होने के बजाय कविता का सहारा इन्होंने लिया, क्योंकि उन दिनों को झेलना था और उसमें से एक कविता बनी, जिसमें लिखा गया कि,

"देखन में संत राम, करनी असंत राम
कुल्लू बसंत राम, नाम है अनंत राम ।"

उस बार्डन का नाम अनंत राम था। मैं यह उदाहरण मात्र इसलिए पेश कर रहा था कि हम इस बात को समझें, महसूसें कि हमारे साहित्यकारों ने इस राष्ट्रीय आन्दोलन में, इस आजादी की लड़ाई में जो भूमिका अदा की है, आज भी उसी स्थिति में, उसी दुख में बिल-बिलाते हुए पड़े हुए हैं, जिस स्थिति में वे आजादी के पूर्व थे, इस पर विचार करना होगा। क्योंकि मूल रूप से मुझे लगता है कि साहित्यकारों की उपेक्षा हो रही है और आपने रायल्टी को कोई मिनिमम चीज मजदूरों के लिए तो आपने न्यूनतम मजदूरी, तय कर दी है, लेकिन किसी लेखक की न्यूनतम मजदूरी आज तक तय नहीं हुई। रायल्टी की एक न्यूनतम राशि आज तक तय नहीं हुई। अगर पांच वर्ष तक उसका प्रकाशक कोई किताब नहीं छपवाता है, दूसरा एडीशन दस वर्ष तक तो वह स्वतंत्र है कि वह स्वयं उसे छपवा सके और दूसरे प्रकाशक को दे सके इसकी कोई व्यवस्था नहीं हो सकी। आज जहां तक सप्लायी का सवाल है, जहां किताबों को सरकारी लायब्रेरीज में दिया जाता है, वहां स्थिति यह है कि जहां सस्ती किताबें मिल ही नहीं सकती, लोग किताब पढ़ ही नहीं सकते। क्योंकि अगर 60 रुपये कीमत होनी चाहिए तो प्रकाशक उसकी कीमत 120 रुपये रखते है। इसलिए 50 प्रतिशत का उस पर खर्च बांटते हैं कि यह सप्लायी का खर्च लगेगा। मैं चाहता हूं मान्यवर, यह हमारा दायित्व है कि सर्वांगीण रूप से हम इस विधेयक को एक नए सिरे से देखें। यह हमारा दायित्व है कि हम सजा कठोर करके अपने को निश्चित न मानें। यह हमारा दायित्व है कि इकनोमिक ओफेंस न मान कर हम अपने को निश्चित न मानें। यह हमारा दायित्व है कि इसे संघीय अपराध कह कर हम इसे एक बड़ा रूप दे कर उसके लिए समझें कि हमने सब कुछ कर लिया। ऐसा नहीं है। हमने कुछ नहीं किया है। अभी बहुत कुछ करना बाकी है। अभी जितना जो कुछ हुआ है श्रीमती इंदिरा गांधी के नेतृत्व मे श्रीमती शीला कौल ने इतनी तत्परता के साथ किया है कि उस पर गर्व से हम यह लेखकों का भी, हम साहित्यकारों का, कलाकारों का भी मस्तिष्क ऊंचा हो जाता है। मैं आपके माध्यम से माननीय शिक्षा मंत्री जी से यह अनुरोध करना चाहता हूं कि वे इन बातों को देखते हुए और कोई इस प्रकार की प्रवर समिति के संबंध में सोचें जो एक साथ सारी बातों को और भविष्य में होने वाले वैज्ञानिक अनुसंधानों और अन्य अनुसंधानों से होने वाली स्थिति को देखकर कोई नया रास्ता ढूंढें जिससे सभी आपस में अपने को सुरक्षित मानें। धन्यवाद।

SHRI SUSHIL CHAND MOHUNTA (Haryana): Sir, as the other hon. Members of the House have done, I also welcome the broad outlines of this Bill. But I would like to add that the Bill itself is a piratic act. This should have come much earlier. You have copied this idea also from other countries. This electronic system, the electronic technology, the digital technology and the computerisation, all these technologies were there well in advance in the world, and slowly and slowly some big bosses, big people, privileged people, occupying high Governmental positions, were already getting them from foreign countries. It is only very recently, only a year or two years back, that a general trend has been seen to import these, VCRs and imported TV sets, all these things. Otherwise, this technology systems depicting this technology were in existence long ago in the rest of the world, and this problem was tackled in those countries. I do not understand why you always want to copy other countries. You should have imagined, anticipated in advance, that India cannot remain isolated. This

[Shri Sushil Crand Mohunta]

technology is bound to filter into this country. You should have been well prepared with your laws before this technology overtook this country.

But apart from that, though you are late, you are welcome. But two things of this Bill, I cannot support: Number one, you have put the pirate and the person who exhibits a particular film or a video film as a result of that piratic act, in the same category. There should be a difference. Now-a-days the VCRs are quite common. People do not go and check videos in the video library. They do not take each and every cassette and find out its authenticity, find out its certificate, find out whether it is genuine or not, it is proper or not, whether it is properly certified or not, Nobody goes into that. It is a daily affair. They go to a video library, ask for a cassette and take it and play it. You have given sufficient powers to police officers to raid any premise, even a private premise, obtain a warrant and seize the video films not properly certified. This is not good. Do not include the victims of the piratic act in criminals. They are not criminals. They want entertainment, and they go and pay for it.

The persons who have stolen have committed a theft. It is a pure and simple theft. The piratic act or whatever you call it, the pure and simple theft, should be on look out by everybody. And the moment this theft takes place, the people who do it in an organised manner are really those who should be traced and caught. There you need a network of intelligence people, a separate department altogether, to look to various shops dealing in video libraries and houses where video libraries are kept etc. etc. You need a big staff, a big agency, to locate them because if you can control them at source, then, of course, automatically nobody will be able to get a pirated article, a pirated cassatte, and play it. So, in any case, please exclude from this Bill the person who plays a video cassette. He should not be treated as a criminal on the same level, on par, with the person who is responsible for this piratic act.

Another dangerous feature which emerges out of it is this. Some good television programme is there. A person who has got a cassette and he wants to enjoy the television programme or some times he is not present in the house to look at the television programme for some reasons and he asks somebody in his house to record it so that he can come and have a look at it. But according to your Act that would be an offence because he is doing without licence—he is recording without a licence. Then he would be playing, it is an offence. Any person who tape-records the music from the All India Radio whether it is film music or folk music is also guilty of piratical Act because that was played by the All India Radio and the AIR has paid for it. Now, this person is taking honest tape-rocorder music and would be playing number of times if the music is good—could be copied by more tape-recorders having duplicate cassettes at different places. But according to you, it is a piratical Act. That is wrong. Please exclude these people. Don't involve the whole population of this country into this criminal Act. You have already made the whole nation look to be dishonest in the eyes of the world. We are one of the most honest people in this world. Indians are the most honest persons in this world. But by your wrong laws and wrong priorities you have already made the people look dishonest. You go to any place everybody is dishonest today. Now the things have changed, it cannot be avoided. What cannot be avoided naturally everybody becomes dishonest. Kindly don't bring the whole nation into the purview of this Act of criminality. Please exclude these people. That is my first point.

My second point is: don't make the punishment so heavy because severer the punishment, you know better of your officers. We have seen even Sub-Inspectors, Inspectors, Chief

Secretaries, Secretaries, etc., how they are spineless. Don't entrust such severe punishments in the hands of these people for detection. Because what is going to happen, a person who can pay in sufficient lot of money will be able to avoid the detection and the person who cannot satisfy their monetary demands will be put behind the bars. So don't make it an instrument by which crime may not be detected. Don't detect persons who may not come on record. Kindly make the punishment at such a level which should be difficult for a person to pay and another person to feel satisfied about it. This is my second point.

The third point which is also relevant because ours is an under-developed country. We are coming up fast in technology. Technology at present is advanced in western countries and communist countries. Their text-books and literature books give an insight into the advanced technology, run into fabulous prices. It is not possible for a poor country like ours where poor people cannot avail themselves of those high priced text-books or high-priced books with those technologies.

We had in Bonn and Stockholm international meets and we were a party to it. We made certain proposals and they were not accepted by other international countries with the net result all those proposals fell through and took advantage of it. Because if there is no bar on those text-books, they should be allowed to be copied and distributed amongst your own countrymen at far a less a price so that it is available to everybody to compete with other foreign countries. I can understand. Whereas your talent, art and literature is being copied, sold and pirated—and released to foreign countries. In those countries they do not have a coresponding law. If an additional book is written in India and if that book is pirated in America, I cannot understand why you are imposing a law that any book written in America cannot be pirated in India. This thing goes on, and I can tell you that a lot of information, knowledge regarding modern technology has been exchanged between the various parts of the world through this system. Instead of buying such high-priced and expensive books, these books have been regularly printed and reprinted in their own countries and distributed at much lesser prices. So don't forget that by having such high punishments and by having this law which you have drafted, you will be cutting out the high technology books written in other countries and you will be keeping them away from your own countrymen, and thereby making the technological progress in our country slower. This is not good.

One more thing that I wanted to bring to your notice is that we in India have got a number of places of old architecture, old designs, old monuments and they all have a very high value. Foreigners come here, take photographs of those places and take them to their homes, print them and reprint them and distribute them all over their country. Thereby, your Archaeology Department, your own country, is deprived of very valuable wealth. If you had not allowed them to do it, then perforce they would have had to get these photographs or prints from this country itself, and they would not have been able to get them in their countries. And your country would have earned a lot of foreign exchange. But you have not been active on that front, where you should have been active. You are trying unnecessarily to give importance to things which should be ignored. Therefore, I am saying that this Bill, though I welcome it, is incomplete and it will not serve the purpose. You do not have the infrastructure to detect all these crimes. Therefore, kindly give a thought to it and bring it in a comprehensive manner so that it may really serve this purpose. Thank you.

SHRI SANTOSH KUMAR SAHU (Orissa): Mr. Vice-Chairman, Sir, I rise to support the Copyright

[Shri Santosh Kumar Sahu]

(Amendment) Bill, 1984, as it is needed very urgently. Most of the hon. Members who have spoken have supported it because the world is passing through a seething change in technological innovations in which, if we want to stand on our own feet, we have also to make Acts, rules and regulations to suit the circumstances.

Very rightly, in the Statement of Objects and Reasons, the Minister has said that piracy has become an international problem. If we go into history, we see that the first country in the world in this matter was the UK which had some provisions on copyright in 1586. Then the Berne Convention was in 1956, which took the opinion of different countries on this question of piracy of copyright or multiplying the original works of some authors. Then there was the Pan-American Convention. And at the instance of UNESCO, the Universal Copyright Convention was framed in 1952. The hon. Minister has mentioned in her speech about the other Geneva Convention. So I need not go into it. But the basic point is that we shall have to provide for stringent punishment for video film exhibition and other things, not because the film producers want it, but because it is more important, to my mind, to preserve the cultural heritage and values of yore of India. If we read the Kothari Commission Report, we find that it has been pointed out in that report that probably 5,000 years back, the pipeline of knowledge and spiritualism went from this country to the other side of the world. But unfortunately in the age of science and technology, we are almost waiting at the other end of the pipelines to get information from foreign countries. This is unfortunate. We have to take critical note of the fact that the video films, especially the cheap and decadent films, which are coming into this country from outside, are affecting the younger generation of this country. It is not a question of this side or that side. It is a national question. We must have stringent measures. We must have a check over it; otherwise, we will probably be passing through a very critical stage in our cultural history where we will forget our ethos and the values of our rich heritage. Coming to the Bill, we have seen in other countries they have done it. As has been rightly pointed out by my predecessor, Shri Mohunta, this law is not the same in the other developed countries of Europe or in Pan-American countries. We have to consider three kinds of persons who are concerned in the exhibition of books or films or cassettes or music. The first is the viewer who is in need of good books, who is in need of good music, who is in need of good films. He has a craving to acquire these things. The second is the category of people who, with a profit motive, pirate and send books to the market. I entirely agree that there must be stringent measures of punishment to persons who circulate such books in the market. The common man goes to the market to buy books. But he does not know that the book is a privated book. There is no means available to him to find out which book is a pirated book and which not. Therefore, there must be a foolproof provision to ensure that piracy is stopped. Then, the world is passing through a technological revolution constantly. We do not know how our younger generation will get access to the technological books. Such books must be made available at a proper and reasonable price.

Then, the incorporation of video films in Section 2 is very good, together with the Explanation of definitions. Definitions of duplicating equipment and other things have been properly placed in the Bill.

Then, coming to Clause 3—amendment of Section 51 of the principal Act—it is stated:

"In Clause (b):

(a) in sub-clause (iv), the brackets and words '(except for

the private and domestic use of the importer)' shall be omitted;

(b) the following proviso shall be inserted at the end, namely:—

'Provided that nothing in sub-clause (iv) shall apply to the import of two copies of any work, other than a cinematograph film or record, for the private and domestic use of the importer.'"

Here why do you restrict them to bring only a record or film? There are many musical instruments which music lovers might like to bring in. Why should they not he extended this facility? In the Annexure to the Bill I refer you to Section 51 which says—

"Copyright in a work shall be deemed to be infringed—

(b) when any person—

(iv) imports (except for the private and domestic use of the importer) into India,

any infringing copies of the work.

Explanation.—For the purposes of this section, the reproduction of a literary, dramatic, musical or artistic work in the form of a cinematograph film shall be deemed to be an 'infringing copy'".

By the insertion of this provision, if a music—lover brings a record—it is a small thing—he might be penalised under this provision. This anomaly should be removed.

Then there is another point. A man likes to produce something for his own use, not for exhibition, not with any profit motive, but purely for his own personal use, for his personal satisfaction. The question is whether he will be protected from the penal provisions of this Act. This is a very vital question.

I would submit that it is a very timely Bill. There has been need for a measure like this. We have seen reports how various countries have framed different Acts on this subject. The Geneva Convention of 1981 and 1983 in which our Government also participated and to which our Government also subscribed, made recommendations in this regard. But the basic question we have to think of is the price of books. During the last 10 years the prices of books have risen enormously. I was accustomed to buy books earlier. Now I have no money if I want to buy a good book. Good works must be cheaply provided to people. Of course, Government have taken some steps such as supplying paper. But unfortunately if you go to the market, it is not possible to get a good book at cheap price. This aspect also should be considered. I wholeheartedly support the Bill and I feel that there should be an intensive discussion of these problems because we are interested in the cultural development of the country as well as in the need of the younger generation to get better knowledge.

It is very good that stringent punishment is provided in the Bill. We have only said that the agency to enforce the law will be a Police Officer. There may be a Copyright Committee or Copyright Commissioner. India is a vast country and there are so many video films. I do feel that one agency is not sufficient. Under the Cinematograph Act there is the Entertainment Officer. Suppose we make a provision that this Entertainment Officer can also examine video films, that will strengthen the State Governments.

With these words, I congratulate the Minister. Let us see how the video piracy is going to be controlled.

SHRI LAL K. ADVANI (Madhya Pradesh): Sir, I rise to support this Bill though, however, I cannot endorse what the previous speaker has said. He said that it is a very timely measure. If this had been brought in August 1982, I would have called it a very timely measure. In fact only a few days back in this House, in this very session itself, there was another amendment to the Cinematograph Act with which the Minister for Edu-

[Shri Lal K. Advani]

cation is not concerned. It was piloted by the Minister for Information and Broadcasting. These two Bills ought to have been brought in August 1982. This was delayed by two years. There are matters in which I believe that delay to take action very often proves near fatal to the cause for which the action is taken. I do not know whether the Minister is posted with the dimensions of the video piracy problem. I have only read articles; I have only read literature in this regard. I have already seen what is going on in particularly the bigger cities. I know that in Bombay itself there are 2,000 video parlours. This is in one city alone. As far in distant as Leh, in Ladakh, there are 13 video parlours. The number of video parlours in the country runs into tens of thousands. And the number of video cassettes going round the country runs into millions. All this growth is of the last two years.

I was checking up with friends in the film industry and they told me: "You can assume that almost all these cassettes are pirated", because till now the process of giving domestic rights for films to the cassettee producers has not properly started.

Therefore, even though I endorse the Bill and I support the Bill, I do so only on the principle that better late than never. Nothing more.

Yesterday when some of my colleagues here were keen to see that the House adjourned early, I felt that this Bill which has been pending for a long time should be passed as early as possible.

The Bill deals with three aspects, that is, piracy in books, piracy in sound recording and piracy in films. I am confining myself mainly to the third aspect of the Bill.

Sir, it is not possible for any country to remain insulated from the growth of technology. The spread of video technology has its consequences, consequences in the field of education, consequences in the field of entertainment, consequences in the field of information and consequences in the field of culture. It is the duty of the State and it is the duty of the society to ensure that the deleterious consequences are kept out and the healthy consequences are allowed in. The consequences should have been anticipated, and steps taken in time. Because of the delay this law is not going to do much now. Can the Minister inform us as to how the pirated cassettes already in circulation are proposed to be dealt wih? Thousands of video libraries in the country have been indulging in piracy. They themselves may not be indulging in piracy and they may just be buying those cassettes from someone. But the fact is that the cassettes in their possession are pirated cassettes. How do you or how does the Government propose to deal with them? For the future you have to be alert. My friend, Shri Sukomal Sen, was referring to the law enforcement machinery, how lax it is and said that because of the laxness of the law enforcement machinery this Bill would not have much effect. Hardly anyone can dispute this. I have been in the Govermnent for some time and was dealing with films I know how difficult it is even to ensure that 'A' films are seen only by adults, particularly in the country side. Now, with the advent of the video, what is the difference between 'A' and 'U'? The difference has become meaningless.

What causes great concern to me is not merely the video boom as it has affected the film industry—and it has affected it seriously—but the video boom which is being converted into a prono boom. This is something about which the law cannot go very far. It is only social organisations and the leaders of the society, leaders in the various fields, leaders in the field of education particularly, who have to ensure that the video technology is used for

healthy purposes and, not, as is happening, to pollute the cultural and moral ethos of society.

Sir, as I said, the film industry has been seriously affected. Film industry is one of our biggest industries. I was going through certain figures relating to films. I noticed that the Minister of Excise in Maharashtra had said at some place that in 1981-82, collections from the entertainment tax in the State amounted to Rs. 54.44 crores. In 1982-83, the collections went up to Rs. 63 crores, which meant an increase of 18 per cent. I am sure that in the earlier years, the increase every year must have been approximately the same 18 per cent. But, in the year 1983-84, the increase suddenly slumped from 18 per cent to 8 per cent. In 1984-85, I fear, it is going to come down still further from 8 per cent to perhaps 6 per cent or 4 per cent. So, this is the manner in which the film industry is being affected. I do not want to quote what the spokesman of the film industry have been saying in this regard. But what I want to emphasise is that this law alone is not going to help the film industry also. The film industry itself also has to respond to the challenges of the video technology and to ensure some measure of financial self-discipline within the industry itself. You cannot afford to have this kind of a star system that you have and yet hope to compete with the video boom; you cannot. These are matters with which the film industry should concern itself. The Government has done something. It is a small measure. But, as I said at the very outset, I welcome it. The Minister of Education should be more concerned with the consequences of the video boom insofar as our culture is concerned and insofar as education is concerned. This field is far more important. And in that field, I hope, the Minister would make necessary considerations. If necessary, a sub-committee may be appointed to examine overall the consequences of the spread of video. Two years back when we decided to go in for TV on a large scale, on a massive scale, we decided to liberalise imports of television and liberalise imports of VCRs, it was at that point of time that these consequences should have been taken note of. It is my conviction that at that point of time there was an abrupt 'U' turn in TV policy. Till 1982, irrespective of which Government was in office, the approach was that TV would not be a high priority. I was the Minister in charge of TV. But I am aware that the Planning Commission had a definite approach in this regard. Even in the field of communication, as you know, sound broadcasting had a priority over television. But in 1982 there was an abrupt about-turn, a change. I am not objecting to that here. But the consequences of this should have been taken note of. The consequences have not been taken note of, because the objective of that abrupt about-turn was not to strengthen TV as an instrument of education, to strengthen TV as an instrument of information, to strengthen TV as a cultural medium, but essentially to strengthen TV as an instrument of propaganda, which I oppose. But this is not the subject matter of this particular debate. So, I confine myself to saying that because of our failure to take cognizance of the consequences of about-turn in 1982 on the eve of the Asian Games, we omitted to take even these small steps. It should have been done earlier. If it had been done in 1982 I would have been very happy. Even now, at this fag end of the session I welcome it.

SHRI P. N. SUKUL (Uttar Pradesh): Mr. Vice-Chairman, Sir, I rise to welcome and support this simple piece of legislation on a very complicated subject of copyright. At the very outset, I thank the Minister that within a year she has been able to fulfil her promise to come with a comprehensive amendment in the

[Shri P. N. Sukul]

Copyright Act. She assured Parliament in August last, and this August she is there with an amendment, and that is under consideration.

I entirely agree with my learned friend, Mr. Advani, that it should have come, or it could have come in 1982. And I am also of the opinion that it could have come even in 1979 or 1980. If Mr. Advani remembers correctly, it was in 1978 that a seminar was held in Delhi. Fifteen countries participated in it, and it was inaugurated by the then Education Minister, Mr. P. C. Chunder. And that seminar suggested comprehensive amendments in the copyright law to ensure proper justice to the authors, artistes and to the Government. But it is unfortunate that even at that time it could not come in 1978 or 1979. In 1983 the Minister came up with another amendment. And now, of course, this amendment has come which seeks to deal with the piracy of books and works of art.

There is no doubt about it, Sir, that today we are caught up in a boom of unauthorised production of books or musical tapes or video cassettes. And as Mr. Advani said, Sir, I agree with him, it is very difficult now to deal with what has already been imported in the country. It is very difficult. Just as we cannot deal with the luxury goods that are being sold out in the market of Connaught Place and elsewhere in the country—so many things from other countries are being openly sold; although they should not have come but they are there in the market available, perfumes, etc.—likewise we are not in a position to deal with the books and cassettes, etc. already smuggled into the country so far. But at least an amendment is being brought forward to deal with the criminals in future. It is this spirit of the Bill that has to be admired and appreciated. This piracy is being committed. That is the most important question. It is being committed because the books and the works of art, etc. especially books, if published in foreign countries, are very expensive. Cheaper editions have to be made available to the people. People will go in for cheap editions. Secondly, the most important reason is that the developed countries are rather unwilling to permit reproductions of their books and works of art on easy terms at cheaper rates. That is why the Seminar held in 1978 appealed to the developed nations to come to the rescue of developing countries in this respect and to allow reproductions of their books at cheaper rates. Sir, there cannot be two opinions about the fact that Copyright is the exclusive right of an author or an artist. I remember that there was a time when there was no Copyright and even master poets like Milton could earn just £15 for the three editions of Paradise Lost. On such a work as Paradise Lost, he got £15. Milton himself wrote about it and also gave the definition of good book. He says:

> "Good book is the life blood of a master spirit embalmed and treasured up on purpose for life beyond life."

So, no society can afford to waste the labour that has been put in the creation of a work of art by an artist or in writing a book by an author and they have a legitimate right to have good compensation for the labour put in that work of creation. Therefore, it is very important for us to check this piracy in books, films and video cassettes. Of course, the very future of our film industry is at stake. Unauthorised reproductions are made and sold out here and there. They go to Pakistan and other countries. From there, they come here. Our film industry and all the people who are involved in making a film, don't get their due compensation. That is why, so many times, our people belonging to the

3 P.M.

film industry, our writers and poets have met our Government officers and our Minister of Information and Broadcasting from time to time to impress upon them the need for payment of due compensation to them also.

As regards films, personally I do not know when a film is reproduced or is allowed to be reproduced and exhibited and who gets the compensation or royalty, whether the producer gets the royalty or the distributor gets the royalty. Certainly, it is not the writer of a song who gets the royalty. He is paid once for all. My suggestion is that our film writers, song writers, story writers and dialogue writers must also somehow be paid royalty. They must also get justice in this regard. This cannot be provided in this law. But at some other time, somehow and somewhere, this has to be ensured.

Sir, there is a very interesting case. After the last amendment in the Copyright Act, the publishers and booksellers Guild of Calcutta complained of one thing about our Copyright law. They said that they very much resented the provision that enabled an author to change the publisher despite a contract over a particular book. Now, if the law gives a free hand to the writer to change his publisher every now and then although there has been a contract signed between the two, this aspect of the matter also deserves some probe and we must consider it because the publisher after all takes up that job taking into account the profits that he will be getting in a certain period of time, and that time is stipulated in the contract. Therefore, whether an author should be at liberty to change the publisher every now and then is good or not, must also be looked into and this aspect should also be studied properly.

As I said, Sir, it is because of the high cost involved in foreign publications and foreign things that cheaper editions are pirated into our country, I will suggest that our Government should somehow try to ensure that cheaper reproductions of this type of best-sellers are made available to our people legitimately so that illegitimate piracy has not to be resorted to. There has to be some arrangement. Our people are poor and not that rich and if they want to have, for example, paper backs, they can have these. Somehow the Government can themselves try to ensure that cheaper editions of best-sellers printed in foreign countries and good books and other pieces of art are made available to our people for our inner consumption. (*Time Bell rings*). In this connection, Sir, it is really very good that so many measures have been contemplated to contain the piracy. The monetary fine is proposed to be increased from Rs. 50,000 to rupees two lakhs. And the sentence of imprisonment is proposed to be increased from a minimum period of six months to a maximum period of three years. Also for subsequent offences much more punishment is being provided. Moreover, the offences are being made cognizable and non-bailable. These are all very good measures. However, I would like to know from the Minister as to what measures have actually been taken by the Government so far to check piracy of books and of video cassettes. The Government must have taken certain other measures to check the piracy of books and video cassettes. So, I would like to know what measures the Government have taken in this regard.

Sir, with these few words, I support the Bill.

श्री हुक्मदेव नारायण यादव (बिहार) : उपसभाध्यक्ष महोदय, इस विधेयक पर अभी सदन में चर्चा हो रही है। सभी माननीय सदस्यों ने इस विधेयक का समर्थन किया और उसके कई पक्षों को सामने रखा। आप कानून बना लेंगे

[श्री हुक्मदेव नारायण यादव]

कि इस चीज को रोको । तो आपने अंग्रेजी में "पाइरेसी" या किसी शब्द का इस्तेमाल किया है । चोरी के बदले, थेफ्ट के बदले में, कड़े शब्द का इस्तेमाल किया है । लेकिन मैं कहता हूं कि आज समाज के अंदर जो कलम चोर हैं, शब्द चोर हैं, दृश्य चोर हैं, सौन्दर्य चोर हैं, तो इतने प्रकार की जो चोरी हो रही है इस चोरी से बचने के लिए आप कानून बना रहे हैं कि कलम चोर को कैसे पकड़ें, दृश्य चोर को कैसे पकड़ें, शब्द चोर को कैसे पकड़ें, सौन्दर्य चोर को कैसे पकड़ें... (व्यवधान) सौन्दर्य चोर नहीं हैं ? अरे, किसी सुन्दर चीज की तस्वीर लाकर बिना उसकी अनुमति के छापकर बेचना, यह भी तो सौन्दर्य की चोरी है ना । दुनिया की किसी बड़ी महिला की नंगी तस्वीर के बारे में करोड़ों रुपये के डाक चलाना या कि वह तस्वीर किसी के हाथ लगे तो वह अपनी पत्रिका में छापे, यह भी मैंने सुना था । तो यह सब है सौन्दर्य की चोरी—चोरी छिपे किसी की तस्वीर खींच लो और फिर उस तस्वीर को छाप कर के उससे अर्थोपार्जन करो ।

कहने का मतलब मेरा यह है कि सबको जड़ में अर्थोपार्जन, सम्पत्ति का मोह, सम्पत्ति का संग्रह है । आप इस विधेयक को उससे ले जोड़ें, लेकिन मूल क्या है ? मूल है पूंजीवादी सामाजिक व्यवस्था में कि सम्पत्ति के संग्रह पर छूट है, अर्थोपार्जन जैसे चाहो, वैसे करो । जिसके पास में सम्पत्ति है, वही दुनियां का मान्य पुरुष है और जिसके पास में सम्पत्ति नहीं है, दुनिया में उसे पूछने वाला कोई नहीं है । कोई बहुत पाप से, अवैधानिक तरीके से बहुत सम्पत्ति का अर्जन कर लिया हो, बहुत ऊंची अट्टालिका हो रहने के लिए, उसके पास में अच्छा मकान हो, टहलने के लिए हवागाड़ी हो, सोने के लिए अट्टारी हो, पहनने के लिए बीवी को सुंदर साड़ी हो, तो फिर उस आदमी की समाज में कितनी प्रतिष्ठा, और इज्जत है, हम और आप उसके यहां जाने में रुकते नहीं । माफ करिए, नहीं रुकते हम और आप उसके यहां जाने में, नहीं रुकते जब उसका इनविटेशन कार्ड आता है, तो जीभ से लप-लप पानी चूने लगता है कि इतने बड़े आदमी का इनविटेशन कार्ड आया है, न जाने कैसा डिनर, लंच और ब्रंच और ब्रेकफास्ट देगा, इसका कोई ठिकाना नहीं है... (**समय की घंटी**)—तो समाज के अंदर जो यह मोह...

मैं यह कह रहा था कि इस चोरी को ही समाज का सब से ताकतवर आदमी चलाता है, कोई कमजोर नहीं चलाता है ? हमारे हरियाणा, पंजाब, बिहार, उत्तर प्रदेश में कोई किसान का बेटा वीडियो-शीडियो किताब कलम की चोरी करता है ? चोरी करने वाला दिल्ली, पटना, लखनऊ, इलाहाबाद, कलकत्ता, मद्रास में बैठा हुआ है और चोरी कराने वाला कौन ? (**समय की घंटी**) तो चोरी कराने वालों को संरक्षण देने वाले भी सत्ता में आसीन हैं ।

मैं एक छोटा सा उदाहरण आपको देना चाहूंगा—न जाने किसके बारे में कहा गया है, कौन श्रीमान हैं, मैं नहीं कह सकता, "टाइम्स आफ इंडिया" में लिखा था—

"Mr. Jain of the Indian Motion Pictures Association very angrily stressed that Chief Ministers' sons run video library flagrantly violating High Court judgement. Obviously little action against them will be taken."

[उपसभाध्यक्ष (श्री सन्तोष कुमार साहू) पीठासीन हुए ।]

अब कौन मुख्य मंत्री जी है, भगवान जाने, इनका पता लगाना तो मेरे लिए असंभव है, लेकिन किसी मुख्य मंत्री का बेटा और किसी एम०एल०ए०, एम०पी० का बेटा--मान लीजिए मंत्री और प्रधान मंत्री जी कहता, तो मारपीट कर दी जाएगी--तो झट से कहते हैं कि उसको छोड़ दिया जाए। कोई मुख्य मंत्री, एम०एल०ए० या एम० पी० का बेटा, या उसका कोई रिश्तेदार ही अगर वीडियो की चोरी करवा रहा है, कैसेट बनवा रहा है, उसको कौन पकड़ेगा ?

जब चौकीदार ही चोर बन जाएगा और उसमें हिस्सा बंटवारा करेगा, तो पकड़ेंगे कौन ? किसको पकड़ेंगे।

इस बिल से क्या होगा ? ऐसे-ऐसे बहुत बिल इस देश में लाए गये **(समय की घंटी)** और बहुत से बिल सरकारी कारखाने में, लाइब्रेरी में पड़े हुए सड़ रहे हैं। मैं कहना चाहता हूं कि इसमें बड़े लोग लगे हुए हैं। जब किसी संस्था के अध्यक्ष का कहना है और उन्होंने सीधे कहा, तो मैं भारत सरकार से मांग करता हूं कि भारत की सरकार में अगर दम है और इस कानून को बना कर के आप चाहते हैं कि इन दृश्य चोर, शब्द चोर, सौन्दर्य चोर, को रोकेंगे, तो सब से पहले जिस मुख्य मंत्री के बेटे के बारे में इस अखबार में छपा है, उस मुख्य मंत्री के बेटे को पकड़ कर के, चालान करके दिखाओ, तो समझेंगे कि आपका कुछ करने का इरादा है और अगर उसको नहीं पकड़ सकते हो, तो यह धोखे की टट्टी है और आप सड़क पर बैठे हुए किसी गरीब को, किसी छोटे आदमी को पकड़ करके इस कानून में चालान तो जरूर कर दोगे, लेकिन कोई बड़ा चोर हिन्दुस्तान का पकड़ा नहीं जाएगा। यह कानून बना है, वह तो ठीक है, लेकिन इसके अमल करने वाले लोगों की जब तक नीयत और इरादा ठीक नहीं होगा, तब तक इस कानून से कुछ मिलने वाला नहीं है।

SHRI SANKAR PRASAD MITRA (West Bengal): Mr. Vice-Chairman, Sir, the hon. Minister has said in the Statement of Objects and Reasons that piracy has become a global problem. I agree with the statement and I also agree with the other hon. Members who have spoken about piracy. We know that there is piracy by sexual perverts, unscrupulous traders and various other dishonest persons. But there is one other aspect of this matter also. I intend to quote a passage from one of the foremost authorities on Copyright, namely R. F. Whale, who in his book on "Copyright" at page 14 has referred to the Berne Copyright Union in 1886 and the development of the law thereafter. Then he goes on to discuss the changes that have come about in the 20th century and in referring to the changes this is what he says (I quote from page 14 and 15):

> "The demand for authors' works, both for instruction and, stimulated by the new techniques of cinematography, mechanical recording and broadcasting, above all for entertainment, increases enormously. To meet this demand becomes the business of vast commercial enterprises, and finally of the state itself. 'The public interest' is increasingly invoked in favour of limitations on copyright.
>
> The paradox of this situation is well illustrated by Article 27 of the Universal Declaration of Human Rights adopted by the United Nations, which is as follows:
>
> (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
>
> (2) Everyone has the right to the protection of the moral and

[Shri Sankar Prasad Mitra]

material interests resulting from any scientific, literary or artistic production of which he is the author."

The writer goes on to say:

"Consciously or unconsciously, over much of the world it is increasingly the practice to use the sanction of the principle expressed in (1) of this article to repudiate the principle of (2)."

And in order to strike a balance, in the theory of the author's right, at page 27 R. F. Whale has said, (I quote):

"It is indeed submitted that no legal system which fails to recognise the moral imperative deriving from the creative act will adequately defend the author's interests. That imperative will command respect for the creative relationship between the author and his work and, while not excluding the principle of 'fair use', will be reluctant to encroach on the author's enjoyment of his work's economic potentialities.

This imperative is strongly reinforced by the fact that authors are required to accept the statutory limitation on the period during which they and their heirs may exercise their rights, and that the public has the enjoyment of the vast public domain constituted by author's works which have fallen out of copyright at the end of this period."

This is a wholesome principle of law which should be applicable to all countries which have accepted the Declaration of Human Rights. The aim of copyright is to encourage originality. The aim of copyright is also to ensure that the taxes to be imposed on the sale of the subject matter of copyright are protected. When amendment to the Copyright Act was proposed last year by our hon. Minister, we welcomed the amendments. But we drew the attention of the hon. Minister to the piracy that was going on on account of the discoveries made in the field of video technology. This was a method used by unscrupulous traders not only to deprive a person of his copyright, a valuable right which he has acquired by reason of his genius, but also to deprive the tax authorities of their legitimate dues. Now video parlours, private clubs and other secluded places in hotels and restaurants have become prolific for these purposes. Now this film of Richard Attenborough on Mahatma Gandhi was shown in the city of Calcutta through video films long before the film was actually exhibited in various cinema houses, whether on payment of money or not on payment of money, I do not know, by various private clubs. This is merely an illustration. That is why we are happy that in this Bill video piracy has been sought to be brought within the ambit of the Copyright Act. The punishments have been enhanced and it has been declared to be an economic offence to take it out of the period of limitation of the Criminal Procedure Code. But I agree with the other hon. speakers who have referred to the machinery of enforcement. Unless the machinery of enforcement is strengthened, the very object of this Act is bound to be frustrated

Another point, I believe, has been raised by you, Sir, and also by another hon. Member—as to the protection of innocent persons who may be using video films for their own private entertainment. So far as I can see, that is not one of the things affected by this Act. I speak subject to correction by the hon. Minister. If you look at clauses 3, 4, 52A etc. you find that if something is imported for private or domestic use, that would not come within the ambit of this particular Bill and unless a video film is actually published, if you use it for your own entertainment privately, I believe you are not within the ambit of the Act. Now the

whole point is what machinery is going to be set up for enforcement of this law. That is the main thing on which the hon. Minister would b pleased to throw some light.

With these words, I support the Bill.

श्री धर्मचन्द्र प्रशान्त (जम्मू और काश्मीर): उपसभाध्यक्ष महोदय, मैं इस विधेयक का स्वागत करता हूं और समर्थन भी करता हूं क्योंकि यह एक अच्छी बात के लिये इस सदन में रखा गया है। पिछले दो वर्ष से फिल्म निर्माता फिल्मी मेगजीन्स में चिल्ला रहे थे कि वीडियो पायरेसी से उनके व्यापार को बहुत धक्का और घाटा लगा है। अभी कुछ समय हुआ हमने सिनेमेटोग्राफ एक्ट पास किया था। उसमें भी इसके लिये सजा रखी थी और इसमें भी है। यह समस्या सारे संसार की है, लेकिन अमरीका, ब्रिटेन और इटली जैसे देशों के लिये नहीं है, क्योंकि वहां जब फिल्म तैयार की जाती है तो उसके साथ कैसेट भी बन जाते हैं और उन कैसेट्स की खपत इतनी बड़ी है कि उससे फिल्म का सारा घाटा पूरा हो जाता है। वहां समस्या नहीं है; समस्या इस देश में है। यहां सब कुछ चोरी से और परदे के पीछे होता है। अभी थोड़े दिन हुये मैं पुंछ जैसी जगह गया, वह बहुत दूर इलाका है। हमने वहां देखा कि घर-घर वीडियो है और कैसेट है, मैंने पूछा यह सब कहां से आ रहा है। मुझे बताया गया कि नजदीक पाकिस्तान बार्डर से ले आते है। वहां बड़े-बड़े शहरों से भी ज्यादा तादाद में वीडियो पायरेसी चल रही है। इसी तरह से बड़े-बड़े शहरों मे ब्लू फिल्म आ रही है नौजवानों के आचार को भ्रष्ट करने के लिये।

बाकी जो दूसरी बुक पायरेसी है उसके मुताल्लिक विधेयक में बहुत कहा गया है। बुक पायरेसी का, जिसको मैं कहूंगा साहित्यिक चोरी या साहित्यिक डकैती, इतिहास बहुत पुराना है। कहा जाता है कि शेक्सपीयर ने जो नाटक लिखे वह बैकन ने लिखे। इनके लोग मानते नहीं हैं। अपने देश के दो महारथियों का मैं जिक्र करूंगा। महाकवि कालिदास ने अपने महाकाव्य रघुवंश में लिखा है कि जब महाराजा दशरथ के पिता अज यात्रा को जाते हैं तो वहां एक शहर में उनके सौन्दर्य को देखने के लिये महिलाएं अपने मकानों के झरोखों से देखती है। यही चीज अश्वघोष ने बुद्धचरित में जब बुद्ध श्रीवस्ती में जाते हैं, बिल्कुल वही शब्द दिये हैं। अब यह कहा जाय कि कालिदास ने यह चोरी की अश्वघोष के बुद्धचरित से या अश्वघोष ने बुद्धचरित में कालिदास से चोरी की। यह बहुत पुरानी बात है। 70-80 वर्ष पहले दो महान नाटककार हुये हैं—नारायण प्रसाद बेताब और आगाहश्र काश्मीरी। ये दोनों नाटककार चिल्लाते रहे कि हमारे लिखे हुये नाटक दूसरी कम्पनियां खेल जाती हैं। वही नाटक औरों के नाम पर छपे है और उन्ही के नाम पर खेले जाते हैं, लेकिन तब इसका प्रबन्ध नही था। ब्रिटिश सरकार ने कापीराइट एक्ट तैयार किया। जब किताब छपती है तो उस पर सर्वाधिकार सुरक्षित, कापीराइट रिजर्व्ड लिखा रहता है, लेकिन साहित्यिक चोरी होती रहती है और जो कानून है उसका वायलेशन होता रहता है। और उसकी वजह यह है कि इस कानून में कुछ लूपहोल हैं जिसके कारण यह सब कुछ हो जाता है। मैं समझता हूं कि यह कानून जो है यह इन बातों का प्रबंध करेगा ताकि लोगों को आगे चोरी करने का हौसला न हो।

मैं शिक्षा मंत्री जी से एक चीज का निवेदन करूंगा। विद्यार्थियों के लिये जो टेक्स्ट बुक्स छपती हैं उस में प्रकाशक क्या करते है, उन पुस्तकों को लेकर उनके नोट तैयार कर लेते हैं। अगर पुस्तक की कीमत 15 रुपए है तो वह नोट 5 रुपए में बेचे जाते है और विद्यार्थी भी सोचता है कि 5 रुपए में लेकर 10 रुपए बचा लेंगे, लेकिन उनको पढ़ाई में बहुत नुकसान पहुंचता है। इसलिये इस बात का शिक्षा मंत्री खास ध्यान रखें। इनको

[श्री धर्मचन्द्र प्रशान्त]

भी इस ला के अन्दर रखा जाय---जो टेक्स्ट बुक नाट की शक्ल म छपती हैं और विद्यार्थियों को नुकसान पहुंचाती हैं ।

SHRIMATI SHEILA KAUL: Sir, I am grateful to the hon. Members who have participated in this Copyright (Amendment) Bill and have offered their useful suggestions. Shri Sen welcomed the Bill. I am very happy that all the hon. Members present here, by and large, have welcomed it, though with certain reservations Shri Sen said that to say that it was a global problem would not be the right thing because in China there is no piracy. But I would like to remind him that even Communist countries are participating in the world forums on Copyright Law. We are aware of the fake piracies and the Copyright Bill takes care of it. The Bill also takes care of film piracy as video films have been specifically included in the definition under section 2. We have also taken care of computer software by including it in the definition of 'literary work'.

Shri Ramakrishnan had said that there are obscene and bad films that are exhibited, that what really matters is the enforcement and that care should be taken about that. We are aware of the dimensions of the problem and this Bill takes care of three kinds of piracy, including sound, fiction and the private printed word. The evil of the dirty films will be checked only when authorised and certified films will be shown under this Bill. And we are conscious of the need of proper enforcement and will take care of the requisite action in consultation with the departments concerned.

Shri Mohunta and Shri Advani also welcomed the Bill, but said that it was overdue and delayed. Shri Advani also mentioned that it could have come two years earlier. But Shri Sukul explained to us why the delay has been there. It could have been even earlier than 1982. But this antipiracy bill was to be examined at various levels. As has been said by me, we have brought this legislation after detailed consideration within less than a year. Last year, this month, I had brought it and within 12 months I am standing before you on this Copyright Bill again. There have been more competent Ministers perhaps who had taken the position to come out with the legislation, but they just could not manage it because it was an important Bill that had to receive due consideration from all quarters. And we have not copied other countries. We have only fallen in line with the latest thinking and gone in this regard by the international level. We were party to the worldwide forum on prevention of piracy.

As regards the role of the exhibitor, the Bill covers only the copyright aspect of the literary work and exhibition of a pirated uncertified film will be covered under the Cinematograph Acts of the States concerned. A genuinely innocent person will not be penalised as this will cover a person who knowingly violates the provisions of the law and does it for financial gains.

As regards the level of the police officer, crimes of this level are generally investigated by Sub-Inspectors.

About the issue of books, that has been covered when the amendment Bill was brought and passed last year.

Regarding Shri Sahu's suggestion, the proposed amendment permits import of books and other items but excludes unauthorised cassettes of music of films because if one such copy is brought in, it can be multiplied in no time. Authorised copies of video-visual works can be brought in. The provision is not applicable to authorised works. Any number of such works can be brought in.

Shri Bhardwaj gave us history of this Bill, and this Bill has actually been brought before the House as a

result of the assurance that was given last year that as soon as the examination of the different aspects were completed the Bill would be brought in The Bill is before the House now.

Regarding the point made by the hon. Member in regard to authors, I would like to invite the attention of the hon. Member to new section 19A in the Copyright Act which provides special safeguards for author's rights.

I have mentioend and replied to Shri Advani's point here that we have not delayed. The whole thing, the video and other technological piracies are recent phenomena. Two world-wide forums were held in 1981 and 1983, and we very promptly brought the Bill after detailed consideration.

As regards the pirated works in existence, this will be taken care of under section 52-A read with section 65-A of the Bill, and it will be obligatory to display on the cassettes and videos the requisite data relating to the owner of copyright, certification for exhibition, the name and address of the firm making the copy.

Shri Sukul was also kind enough to welcome the Bill. Song writers, story writers and authors under the Copyright Act receive payment of their work in accordance with the agreements they have with film producers. This Bill provides for punishment of imprisonment for fine or both. Because the technology had not advanced so much, these measures were adequate. But the adequate advancement of technology made it necessary to make punishment more stringent.

Justice Mitra very kindly supported the Bill. He welcomed the proposed amendment and made a plea for strengthening the machinery for implementation. As mentioned previously, this suggestion has been made, and the question will be taken up with the concerned enforcement authorities.

श्री हुकमदेव नारायण यादव शायद यहां नहीं हैं। उन्होंने बहुत कुछ अच्छे सुझाव दिये थे। यह बात भी सही है कि जो खूबसूरत चीजें होती हैं उनको चुरा लिया जाता है। उन चीजों को पैसा मिलना चाहिए, बगैर पैसे के यह सब हो जाता है। यहां यहां नहीं है लेकिन उनके सुझाव अच्छे और सुन्दर हैं।

I am glad that the Copyright Amendment Bill, 1984 evoked a kind of support, response and perception that it richly deserved. As I had suggested right in the beginning, this anti-piracy law will be the first momentous step that will curb thefts of intellectual property.

In that sense today we vindicate the malleniable right of the creative persons to ensure the protection of their works. Today we stand on the threshold of an era of increasing security of creative works.

I am also conscious of the fact that having been armed with this Law, we will need to enforce it equally strictly and earnestly. We have taken care that even future developments in technology would be covered by this law. Shri Bhardwaj has expressed his concern about this and the different amendments coming in a piecemeal. As I said, the future developments in technology would be covered by this law.

Let us all today feel happy that we have stood by the writers, artists, the film makers, the song writers and all those creative persons who have and are enriching our great composite culture. I thank you very much.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): The question is:

"That the Bill further to amend the Copyright Act, 1957, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 10 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRIMATI SHEILA KAUL: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE ADMINISTRATIVE TRIBUNALS Bill, 1984

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): Mr. P. Venkatasubbaiah.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. VENKATASUBBAIAH): Sir, I beg to move:

"That the Bill to provide for the adjudication on trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government and for matters connected therewith or incidental thereto, be taken into consideration."

Mr. Vice-Chairman, Sir, this is a very important Bill and I hope that hon. Members of this House will support this Bill unanimously.

Sir, I had introduced the Administrative Tribuanls Bill in this House on 21st August, 1984.

Sir, as the House is well aware, Article 323 A of the Constitution of India stipulates that Parliament may by law set up Aministrative Tribunal to provide for adjudication or trial of disputes and complaints with respect to recruitment and conditions of service of persons appointed in connection with the affairs of the Union or of any State as also those employed in connection with the affairs of any local or other authority or of any corporation under the control of the Government of India or the Government of a State. The Bill as now introduced by Government seeks to give practical shape to the provisions of this article by proposing to establish a separate Tribunal called the Central Administrative Tribunal for dealing with disputes relating to service matters of the members of the All India Services and other Central Government employees and State Administrative Tribunals for the employees of various State Governments. In keeping with the constitutional provisions, the Bill also provides for the establishment of Joint Administrative Tribunals for two or more States if they so desire. The State Administrative Tribunals or Joint Administrative Tribunals for two or more States would be established by the Central Government on a request received in this regard from any of the State Government or Governments, as the case may be.

Each Tribunal will have a Principal Bench, presided over by the Chairman and consisting of two other Members. Depending on work load and the regional requirements, additional Benches presided over by Vice-Chairman and consisting of two other Members may be constituted according to requirements.

A serving or retired judge of the Supreme Court or High Court or those who have held the post of Secretary to the Government of India or a post under the Central or a State Government carrying a scale of pay not less than that of Secretary to the Government of India for at least two years are eligible to be appointed as Chairman or Vice-Chairman of a Tribunal.